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BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20026

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OCT - 7 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Petition of the People of the State of California)
and the Public Utilities Commission of the State)
of California Requesting Authority to Regulate)
Rates Associated With the Provision of Cellular)
Service Within the State of California)

PR Docket No. 94-105

COMMENTS OF
U S WEST CELLULAR OF CALIFORNIA, INC.

U S WEST Cellular of California, Inc. ("U S WEST"), hereby responds to the Private Radio Bureau's ("Bureau") request for comments concerning a draft protective order for use in this proceeding. For the reasons stated herein, U S WEST believes that commenting on the particulars of the Bureau's draft protective order is premature and comments should not be considered until such time, if any, as the Commission decides that disclosure of the confidential information submitted by the California PUC ("CPUC") is warranted.

On September 19, 1994, the due date for comments in this proceeding, the National Cellular Resellers Association ("NCRA") filed a request for access to materials submitted on a confidential redacted basis by the CPUC. Thereafter, a number of parties, including U S WEST, filed oppositions to the NCRA Request arguing that the redacted material should be returned by the Commission and not made part of the decision-making record in this proceeding. Opposition filings to the NCRA Request were due this past Tuesday, October 4, 1994. Pursuant to Section 1.45(b), the NCRA reply filing is not due until Monday, October 17, 1994.

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On September 30, 1994 (before oppositions to the NCRA Request were due), and at the request of Ms. Regina Harrison, Senior Attorney, Private Radio Bureau, parties to the California proceeding were invited to a meeting at the FCC concerning the FCC's treatment of the confidential information contained in the CPUC Petition. At that meeting, the Bureau requested that all interested parties submit comments on October 7, 1994 concerning the draft Bureau protective order. Thereafter, the Bureau released a Public Notice in which it confirmed its request for comments on the Bureau draft. See Public Notice DA 94-1083 (released September 30, 1994).

U S WEST respectfully declines the Bureau request that it file comments concerning the particulars of the draft protective order. The Commission has yet to determine whether the redacted information submitted under seal by the CPUC will be considered part of the decision-making record in this proceeding. In fact, a number of parties have argued that this material should instead be returned to the CPUC without consideration. Further, the pleading cycle for the NCRA Request has not been completed. Under such circumstances, U S WEST believes it is premature to comment on what particular terms should be included in a protective order -- which contemplates disclosure of the redacted material for use in this proceeding.

In this regard, U S WEST again cautions the Bureau that the redacted material is not appropriately subject to disclosure -- pursuant to protective order or otherwise. The material in question, which consists of confidential and commercial proprietary data of the California cellular carriers, as well as internal investigatory information which is part of an ongoing California Attorney General investigation, should not be made part of the record in this proceeding. Disclosure of this material (on

any basis) would cause competitive harm and raise significant antitrust concerns. For the reasons stated in the various oppositions to the NCRA Request, disclosure of this material is unlawful.

For these reasons, U S WEST does not currently plan to avail itself of any opportunity given to review the proprietary data submitted under seal by the CPUC (even pursuant to protective order). Simply put, the confidential information should not be part of the decision-making record in this proceeding and no protective order should be entertained in this matter.

Respectfully submitted,

U S WEST CELLULAR OF CALIFORNIA, INC.

A handwritten signature in dark ink, appearing to read "Jeffrey S. Bork", is written over a horizontal line.

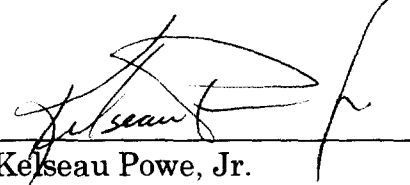
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Laurie Bennett,
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October 7, 1994

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr. do hereby certify that on this 7th day of October, 1994, I have caused a copy of the foregoing **COMMENTS OF U S WEST CELLULAR OF CALIFORNIA, INC.** to be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.


Kelseau Powe, Jr.

***Via Hand-Delivery**

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